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Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 24-0412 WBS
)	
Plaintiff,)	ORDER DIRECTING DEFENDANT TO BE
)	BROUGHT FOR COMPETENCY EVALUATION
v.)	AND STATUS HEARING
)	
ELIJAH DOMINGUEZ,)	
)	
Defendant.)	

A status hearing in the above-captioned case was scheduled for September 25, 2024. On the day of the hearing, a representative for the United States Marshals Service (USMS) apprised the Court that Defendant Elijah Dominguez refused transport from Santa Rita Jail, where he was housed at the time, to the Northern District Courthouse in Oakland. USMS further stated that Dominguez flooded several jail cells and was combative with authorities at the jail. According to the Marshals representative, because of these incidents, Santa Rita Jail indicated that USMS needed to find other accommodations for the defendant. As of the time of the hearing, USMS was investigating alternative options. *See* Dkt. 27.

As detailed on the record, the Court ultimately ordered the completion of a competency evaluation pursuant to 18 U.S.C. §§ 4241(a), (b). The evaluation is due to the Court on October 23, 2024, and a subsequent hearing is scheduled for November 8, 2024, at 11:00 a.m. *Id.*

1 Based on the record, and as further described in the Court's Order directing a competency
2 evaluation, the Court hereby ORDERS the following:

3 The parties will work together to schedule a competency evaluation in accordance with the
4 parameters of 18 U.S.C. § 4241. The parties are to inform USMS of the date of the evaluation. It is
5 anticipated that Dominguez will be required to leave his cell for that evaluation. IT IS ORDERED that
6 on the pre-determined date of the evaluation, USMS, the Alameda County Sheriff's Office, or the law
7 enforcement officers/deputies/jailors in charge of the facility where Dominguez is housed shall advise
8 Dominguez that he has been ordered by the Court to undergo the evaluation. IT IS FURTHER
9 ORDERED that after Dominguez is informed of the required evaluation, the USMS, Alameda County
10 Sheriff's Office, or the law enforcement officers/deputies/jailors in charge of the facility where
11 Dominguez is housed, if necessary, may use reasonable force to extract Dominguez from his cell for
12 purposes of the evaluation.

13 In addition, Dominguez is hereby ORDERED to appear before the Court on November 8, 2024,
14 for the next status hearing. It is further ORDERED that the USMS, Alameda County Sheriff, or the law
15 enforcement officers/deputies/jailors in charge of the facility where Dominguez is housed, if necessary,
16 may use reasonable force to extract Dominguez from his cell. Before any such extraction, Dominguez
17 shall be advised that his appearance before this Court is mandatory.

18 Finally, the Court ADVISES and ADMONISHES Dominguez that if he refuses to come to
19 Court, he may be deemed to have voluntarily absented himself under Federal Rule of Criminal
20 Procedure 43 and further proceedings may proceed in his absence.

21 IT IS SO ORDERED.

22 Dated: September 30, 2024



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE